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Security Council

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Letter dated 17 September 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 September 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing violations of Iraq's international boundaries committed by United States and British warplanes flying across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 18 to 31 August 2001.

The Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council, through you, immediately upon their occurrence and to specify the number and nationality of warplanes that violate the demilitarized zone, given that such violations constitute flagrant aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. He further requests you to remind the Security Council of its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Al-Douri**
Ambassador
Permanent Representative

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Annex to the letter dated 17 September 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter of 2 September 2001 (S/2001/847, annex), I should like to inform you that during the period from 18 to 31 August 2001, United States and British warplanes committed 80 violations of Iraq's international boundaries from bases in Kuwait, from Kuwait's airspace and territorial waters and via the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM). As shown in the table appended to this letter, the competent Iraqi authorities have determined that the violations committed were as follows:

1. Armed and hostile aerial activity by the United States and the United Kingdom, involving violations of our international boundaries, from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and via the demilitarized zone, comprised 80 sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. Support was provided by an AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace to all the United States and British aircraft that carried out hostile, armed sorties, violating Iraq's airspace via the demilitarized zone.

4. Between 18 and 31 August 2001, a total of 12 remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and via the demilitarized zone.

All the violations in question were committed via the demilitarized zone in which UNIKOM is stationed. One of the primary responsibilities of UNIKOM is to monitor such hostile military operations, report them and endeavour to halt them immediately.

The fair-minded nations of the world, including the Arab countries, have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent, sovereign State. Moreover, three permanent members of the Security Council, namely the Russian Federation, China and France, have stressed that the enforcement of the no-flight zones in northern and southern Iraq has no basis in any principle of international law. Mr. Boutros Boutros-Ghali, your predecessor as Secretary-General, has stated that the claim made by the United States that Security Council resolution 688 (1991) authorizes the imposition of the no-flight zones is groundless. At your press conference of 27 June 2001, you said that there was no basis in the resolutions of the Security Council for the imposition of the no-flight zones in northern and southern Iraq. Your actual words were (SG/SM/7865):

> "You know my position on this, and I have indicated that when you analyse and read the Security Council resolutions I do not see the Security Council resolutions as a basis for that."

The violations being committed by the United States and the United Kingdom and involving the use of 10 to 20 military aircraft daily are tantamount to an

undeclared war. It is imperative that the United Nations should take the measures required under the Charter in that regard, so that the aggression may be halted and those who have committed the violations may be held fully responsible under international law and liable for the payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify those aircraft are untenable in view of the scientific and technological capabilities that are available or that UNIKOM is in a position to acquire and utilize in order to fulfil its mandate, establishing the identity and nationality of the warplanes that are violating Iraq's sovereign airspace, so that the necessary measures can then be taken by the Security Council to put an end to those violations and acts of aggression.

I therefore urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council, through you, immediately upon their occurrence and to determine the number and nationality of the warplanes that violate the demilitarized zone and engage in hostilities against Iraq, given that such acts constitute flagrant aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I further request you to remind the Security Council of its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and via the demilitarized zone, 19-31 August 2001

No.	*Date*	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
1	18-31 August	Kuwait	0915-1500	F-14, F-15, F-16, F-18, drone	18 (including 4 drones)	8,000-11,000	180-780	Samawah, Qurnah, Nasiriyah, Busayyah, Salman, Artawi
2	25-31 August	Kuwait	0845-2237	F-14, F-15, F-16, F-18, drone	61 (including 8 drones)	8,000-11,000	180-720	Basrah, Nasiriyah, Qurnah, Amarah, Artawi, Nu`maniyah, Samawah, Jalibah

Total sorties: 110